

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Corey D. Stoglin,  Plaintiff,  v.  U.S. Department of Agriculture,  Defendant.	Case No. 18-cv-995 (DSD/HB)  <b>REPORT AND RECOMMENDATION</b>
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HILDY BOWBEER, United States Magistrate Judge

This matter is before the Court *sua sponte*. Proceeding *pro se*, Plaintiff Corey D. Stoglin commenced this civil action on April 12, 2018. The Court denied Stoglin's application to proceed without prepaying fees or costs, because his total monthly income was too high to qualify for *in forma pauperis* status. (Order at 1 [Doc. No. 5].) In light of his *pro se* status, however, the Court referred Stoglin to the Federal Bar Association *Pro Se* Project. (Letter to Stoglin [Doc. No. 4].) Stoglin later paid the \$400 filing fee, and a summons was issued on May 30, 2018.

In an Order dated August 20, 2018, the Court observed that Stoglin had been referred to a volunteer lawyer through the *Pro Se* Project for assistance with amending his complaint and effecting service of process. (Order at 2 [Doc. No. 11].) The Court encouraged Stoglin to continue with those efforts, and advised him that time was of the essence. The Court specifically warned Stoglin that the time limit for a plaintiff to serve

the summons and complaint on a defendant is ninety days after the complaint is filed. (*Id.* (citing Fed. R. Civ. P. 4(m)).) In light of Stoglin's *pro se* status, the Court found good cause for an extension of time and set a deadline of October 12, 2018, for Stoglin to serve the summons and complaint. (*Id.* at 3.) The Court warned Stoglin that if he did not provide proof of service by October 12, 2018, and did not show good cause in writing for the failure, the Court would recommend that the case be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

The October 12 deadline has now passed, and Stoglin has not provided proof of service or demonstrated good cause for his noncompliance. In fact, he has not communicated with the Court since the August 20, 2018, order was issued. Stoglin has already received one extension of time in which to serve Defendant, and the Court finds that no further extensions are warranted, based on the present record. The Court therefore recommends that this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

Accordingly, based on all the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 4(m).

Dated: October 22, 2018

s/ Hildy Bowbeer  
HILDY BOWBEER  
United States Magistrate Judge

## NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under D. Minn. LR 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. D. Minn. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in LR 72.2(c).